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Attorneys for Petitioner  
LANCE IAN OSBAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner,

v.

WARDEN, San Quentin State Prison,

Respondent.

NO. CIV-S-97-0152 WBS KJM

**CAPITAL CASE**

**STIPULATION AND PROPOSED ORDER  
CONTINUING TO DECEMBER 1, 2008 THE  
HEARING ON PETITIONER'S REQUEST FOR  
RECONSIDERATION**

COME NOW, the parties, by and through their respective undersigned counsel, and respectfully request that this Court continue to December 1, 2008, the hearing on Petitioner's request for reconsideration.

The Court set the hearing for November 24, 2008. Petitioner's counsel had previously scheduled a deposition in another capital habeas corpus case for that day. The deposition is of an expert witness who resides outside the District, and is part of an ongoing evidentiary hearing in *Frye v. Warden*, CIV S-99-0628 LKK KJM. It is not a discovery deposition, but a deposition in lieu of live testimony.

1 Dated: November 18, 2008

2 Respectfully submitted,

3 DANIEL BRODERICK  
Federal Defender

EDMUND G. BROWN JR.  
Attorney General of the State of California

4 /s/ Tivon Schardl  
5 TIVON SCHARDL  
Assistant Federal Defender

/s/ Ward A. Campbell (authorized on 11/12/08)  
WARD A. CAMPBELL  
Supervising Deputy Attorney General

6 /s/ Tim Brosnan  
7 TIM BROSANAN  
Attorney at Law

STEPHANIE MITCHELL  
Deputy Attorney General

8  
9 Attorneys for Petitioner

Attorneys for Respondent


10 LANCE IAN OSBAND

Robert L. Ayres,  
Warden of San Quentin State Prison

11  
12 **IT IS SO ORDERED.**

13 With the agreement of counsel, hearing on Petitioner's request for reconsideration is  
14 continued to **December 15, 2008 at 2:00 p.m.**

15  
16 Dated: November 18, 2008

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18 WILLIAM B. SHUBB  
19 UNITED STATES DISTRICT JUDGE